

## **REMARKS/ARGUMENTS**

This application has been reviewed in light of the non-final Office Action mailed on May 27, 2009. Claims 15, 18, 19, 30, 33-36, and 41 are pending in the application with Claims 15 and 30 being in independent form.

The Examiner rejected Claims 15, 18, 19, 30, 33, 34, and 35 under 35 U.S.C. 103(a) as being unpatentable over Cho (WO 00/13426) in view of Korpela et al. (U.S. Patent No. 6,167,283). Applicants respectfully traverse the rejection.

Claim 15, recites, *inter alia*, as follows:

“...a primary station operable to transmit a random access channel status message that **includes an indicated highest available data rate on each random access channel** of a plurality of random access channels...” (emphasis added)

At page 4 of the present Office Action, the Examiner stated that Cho does not disclose “an indicated highest available data rate on each random access channel of a plurality of random access channels,” as recited in Claim 15. The Examiner relied on Korpela to cure the deficiencies of Cho. However, Korpela does not teach and/or suggest the features of the present claims.

Korpela discloses a cellular radio system having base stations (10, 12) that offer various service levels and transmit control messages (14) indicating said service levels. Terminals (20) store information (22) about previous connections and, based on that information or on their own capability, produce a prediction on the service level required by the next connection. A terminal selects a cell such that the service level in the cell matches the terminal's prediction on the service level required. (Abstract)

The Examiner found that Korpela discloses “an indicated highest available data rate” (Office Action, Page 4). However, this is the indicated highest available data rate on a base station (Column 5, Lines 6-7), not a random access channel. Korpela does not disclose an indicated highest available data rate on a channel, let alone, an indicated highest available data rate on a random access channel. Claim 15 requires that the highest available data rates be data rates on random access channels. Combining a message regarding the status of random access channels with an indicated highest available data rate on a base station does not teach, is not equivalent to, and is not interchangeable with combining a message regarding the status of random access channels with an indicated highest available data rate on a random access channel as required by Claim 15. The random access channel enables secondary stations who are not actually engaged in a call to transmit data to a primary station. Other advantages are also provided by having a random access channel as claimed by Claim 15. These advantages are discussed throughout the specification, such as at paragraphs 0018 and 0019. Therefore, the applied combination of Cho and Korpela does not teach and/or suggest the language recited in Claim 15.

Independent Claim 30 includes the same or similar limitations to those of Claim 1, and is allowable over the prior art of record for at least the same reasons presented above for the patentability of independent Claim 15.

Accordingly, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to Claims 15 and 30 and allowance thereof are respectfully requested.

Dependent Claims 18, 19, 33, 34, and 35, are allowable over the prior art of record for at least the same reasons presented above for the patentability of independent Claims 15 and 30. Accordingly, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to

dependent Claims 18, 19, 33, 34, and 35, and allowance thereof are respectfully requested.

The Examiner rejected Claims 36 and 41 under 35 U.S.C. 103(a) as being unpatentable over Cho in view of Korpela and further in view of Persson et al. (U.S. Patent No. 6,028,851). Applicants respectfully traverse the rejection.

Dependent Claims 36 and 41 are allowable over the prior art of record for at least the same reasons presented above for the patentability of independent Claims 15 and 30. Additionally, Persson et al. does not cure the deficiencies of Cho and Korpela with respect to independent Claims 15 and 30. Accordingly, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to dependent Claims 36 and 41, and allowance thereof are respectfully requested.

In view of the foregoing amendments and remarks, it is respectfully submitted that all Claims presently pending in the application, namely, Claims 15, 18, 19, 30-36, and 41, are believed to be in condition for allowance.

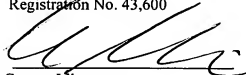
If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to contact the undersigned.

Respectfully submitted,

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